

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

M.F., BY NEXT FRIEND AND
DAUGHTER JANE BRANSON,

Plaintiff

v.

C-1-11-807

JAMES D. MALOTT, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 51), plaintiff's objections (doc. no. 54) and defendant Judge Kevin Greer's response (doc. no. 55). The Magistrate Judge concluded that Ms. Branson lacks standing to pursue this action on her own behalf; Ms. Branson has no standing to bring this action on behalf of M.F.; and that the appointment of a guardian *ad litem* in this proceeding would serve no useful purpose because it appears that no guardian *ad litem* could save the Complaint from dismissal. The Magistrate Judge recommended that Ms. Branson's Motion for Relief from Judgment (doc. no. 46) be denied.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (doc. no. 51). Plaintiff's Motion for Relief from Judgment (doc. no. 46) is DENIED. The Clerk of Courts is DIRECTED to send a copy of this Order to the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court